

Design Patents

Does your product have a competitive advantage because of its appearance? Do you want to keep that advantage?

A design patent may be what you need. And Olive & Olive is the place to get one.

We protect you against knock-offs.

Design patents protect products from “knock-offs” and attempts to mimic the look and feel of the original.

Examples of inventions that can be covered by a design patent include:

- Consumer product designs
- Commercial and industrial product designs
- The visual appearance of graphical user interfaces
- Static images
- Animated series of images

Design patents can help prevent copying of a mechanical invention that has a distinctive aspect to its appearance—even if isn’t particularly beautiful. For example, we used a design patent on a concrete screed (a device used to smooth and remove air bubbles from concrete) to successfully prevent an infringer from selling knock-offs of the screeds. The product was also protected by a utility patent, but the judge only needed to look at the design to be convinced there was infringement.

Design patents are a different ballgame.

Design patents are not what most people think of when they heard the word “patent.” A design patent is primarily a drawing of a physical invention. It has very few words—just enough to identify the type of product being depicted and the angle of view that each drawing represents. The drawings can reflect details of the invention’s shape, color, ornamentation and/or texture.

The “claim” of a design patent is, in effect, the drawings. In fact, a typical design patent claim says no more than, “The ornamental design for (the product or invention) as shown.” That’s very different from the claims of a utility patent, which can be wordy and might go on for pages.

Because less writing is involved, design patents are typically less expensive than utility patents to prepare, prosecute, and navigate the back-and-forth with the patent examiners in the Patent Office. But even so, they still require legal expertise.

Our team has that expertise.

We will make sure the patent examiners—and you—understand exactly what comprises the “invention” of your design. Then we will work with you and the patent draftsman (artist) to create drawings or photographs that clearly depict every aspect of the invention.

It is absolutely critical that the illustrations include enough different views of the product to provide a complete disclosure of the appearance of the design. If not, you could get a patent that, when challenged, won’t survive. We’ll make sure that happens.

We are the smart choice.

Olive & Olive understands design patents inside and out. Our lawyers know patent law. Our litigation team knows how to fight for our clients –by protecting their patents, defending them against false claims, and taking on wrongdoers who try to misuse the patent process.

Knowing all the angles gives us an edge in crafting patents - and fighting for them - so you and your business can thrive. That's part of the Olive & Olive IP advantage. Talk to an experienced design patent attorney today.